

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 27367 of 1996

DATED: 31.1.2007

Between:

S.S.Reddy

petitioner

And

The Depot Manager,
A.P. S.R.T.C.
Palamaneru Depot, Palamaneru,
Chittoor dist and ors

Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

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WRIT PETITION NO. 27367 OF 1996

ORAL ORDER:

This writ petition is filed questioning the proceedings of the first respondent dated 6.12.1996 removing the petitioner from service on the ground of unauthorized absence from duty on 24.10.1995 and 25.10.1995.

The petitioner herein is employed in the respondent corporation as conductor. He was issued with a charge sheet dated 8.11.1995 alleging unauthorized absence from duty on 24.10.1995 and 25.10.1995 and for having absented for 17 days and reporting sick for 48 days besides availing 45 days leave during the period 1.1.1995 to 31.10.1995. He has submitted his explanation stating that due to sudden illness he could not attend the office 24.10.1995 and 25.10.1995 and that during the period from 1.1.1995 to 31.10.1995 he has undergone treatment for Ulcer at Tarnaka Hospital. Thereafter, he was issued with a show cause notice of removal from service dated 29.12.1995 and vide proceedings dated 23.9.1996 the petitioner was removed from service. Questioning the said order, the petitioner filed W.P. No. 20579 of 1996 and the same was disposed of by order dated 1.10.1996 setting aside the removal order 23.9.1996 and directing the respondents to reconsider the matter and to pass appropriate orders.

Thereafter, the matter was reconsidered and impugned orders dated 6.12.1996 were issued removing the petitioner. Questioning the said removal order dt 6.12.1996, the present writ petition is filed.

This Court, while admitting the writ petition by order dated 23.12.1996 granted interim suspension of the order dated 6.12.1996.

Even after lapse of more than ten years period the respondent corporation has not chosen to file counter affidavit in the matter.

The matter was adjourned on 12.12.2006 for filing counter affidavit, however, counter is not yet filed. Hence, this Court is left with only option to accept the averments made in the writ petition. Therefore, accepting the averments made in the writ petition as true and correct the writ petition is allowed setting aside the removal order dated 6.12.1996. No costs.

N.V.RAMANA,J

DATE: 31.1.2007
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THE HON'BLE MR JUSTICE N.V. RAMANA

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